

AUSA: Brandon D. Harper

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GODFRIE COLE

Defendant.

SEALED COMPLAINT

Violations of
18 U.S.C. §§ 1951, 924(c)(A)(1)(i), (ii)
18 U.S.C. § 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

ALEXANDER LOIZIAS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE
(Conspiracy to Commit Hobbs Act Robbery)

1. On or about November 30, 2023, in the Southern District of New York and elsewhere, GODFRIE COLE, the defendant, and others known and unknown, knowingly combined, conspired, confederated, and agreed together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, COLE conspired with others to rob a convenience store in the Bronx, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO
(Hobbs Act Robbery)

2. On or about November 30, 2023, in the Southern District of New York and elsewhere, GODFRIE COLE, the defendant, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, COLE robbed at gunpoint a convenience store in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE
(Firearms Use, Carrying, and Possession)

3. On or about November 30, 2023, in the Southern District of New York and elsewhere, GODFRIE COLE, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Two of this Complaint, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with the FBI. I have been personally involved in this investigation. This affidavit is based on my investigation, my conversations with other law enforcement officers and other individuals, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, including my review of surveillance video, my conversations with law enforcement officers and others, and my review of reports of witness interviews, law enforcement reports, and records, I have learned that on or about November 30, 2023, two men, including GODFRIE COLE, the defendant, participated in a gunpoint robbery of a convenience store located in the vicinity of 4028 Boston Road in the Bronx, New York. Specifically, I have learned, among other things, the following:

a. Based on an interview with an individual who works at the Convenience Store (the “Employee”), I know that the Employee was working behind the counter of the convenience store at approximately 10:06 p.m. on or about November 30, 2023 when he noticed two people (together, the “Perpetrators”) walk into the store. The Perpetrators were both wearing masks and blue gloves. The Employee stated that one of the Perpetrators (“Perpetrator-1”) walked behind the counter and hit the Employee in the head with a firearm. As the Employee fell to the ground, a scale from the counter fell onto the Employee’s head. The Employee suffered a laceration to the top left side of his head and was taken to Jacobi Hospital.

b. Perpetrator-1 removed approximately \$3,000 in United States Currency from the cash register.

c. The Employee observed the second Perpetrator (“Perpetrator-2”) standing on the other side of the counter and appeared to be acting as a lookout. The Perpetrators did not say anything and left the store on foot.

d. A screenshot from surveillance video from inside of the Convenience Store showing the Perpetrators entering the store is below:



e. A screenshot showing Perpetrator-1 brandishing a firearm and aiming at the Employee is below:



f. A screenshot of Perpetrator-1 taking United States currency from the cash register and putting it into a backpack is below:



g. While Perpetrator-1 was emptying the cash register, Perpetrator-2 shoved another individual (the “Customer”) to the ground and took the Customer’s wallet and other personal effects. A screenshot is below:



h. Based on my review of surveillance video and my conversations with other law enforcement officers, I know that the Perpetrators fled the Convenience Store and entered a residential building at 3475 Bivona Street in the Bronx, New York still wearing the Polo sweatshirt and blue gloves shown in the surveillance video from the Convenience Store. Surveillance video from shortly after the incident at the Convenience Store shows Perpetrator-1 entering an elevator inside of the residential building:



i. Based on a review of law enforcement records I know that GODFRIE COLE was convicted on or about September 20, 2023 in Queens County Supreme Court of Attempted Robbery in the Second Degree. On or about October 17, 2023, COLE was sentenced to five years of probation.

j. On or about December 13, 2023, I, along with other law enforcement officers, were present for an interview with COLE's New York City Probation officer. Law enforcement officers explained that the interview pertained to an ongoing investigation regarding an armed robbery of a commercial establishment in the Bronx. After explaining the circumstances of the robbery, but not in any way suggesting that law enforcement was investigating COLE, law enforcement officers showed the probation officer the two screenshots in Paragraph 5(h) supra. Upon seeing the still images, the probation officer said "that's Godfrie." When law enforcement asked who the probation officer was talking about, the probation officer said "that's Godfrie Cole" and acknowledged that COLE is assigned to the probation officer because of his prior robbery conviction. The probation officer then signed both still images.

k. For the foregoing reasons, I believe that there is probable cause that GODFRIE COLE is Perpetrator-1 and that he possessed and brandished the firearm that was

pointed at the Employee. Specifically, the clothing Perpetrator-1 is wearing when Perpetrator-1 entered the store, including the dark colored hooded sweatshirt with the words “POLO New York” on the front and the blue gloves over his hands, are consistent with the clothing COLE—who was identified by his probation officer—was wearing in the photographs taken shortly after the robbery. I further believe that there is probable cause to believe that COLE then used the firearm to hit the Employee in the head before removing United States currency from the store’s cash register.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of GODFRIE COLE, the defendant, and that he be imprisoned or bailed, as the case may be.

Alexander Loizias w/ permission
ALEXANDER LOIZIAS
Special Agent
FBI

Sworn to me before me by reliable electronic means (phone)
this 16th day of January, 2024.

Katharine H. Parker

THE HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK